

Appl. No. 09/843,211  
Amdt. Dated October 10, 2005  
Reply to Office action of July 11, 2005  
Attorney Docket No. P13753-2/032868-005  
EUS/J/P/05-6179

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has amended Claims 1, 3 and 6; Claims 5 and 14 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-4 and 6-13 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1, 5-6, 12 and 14 under 35 U.S.C. § 102(e) as being anticipated by Maruyama et al. The Applicant respectfully traverses the Examiner's rejection and has further amended the pending claims to more clearly and distinctly claim the subject matter which the Applicant believes as his invention. A favorable reconsideration in view of the above amendments and the following remark is respectfully requested.

The present invention discloses and claims a resource management system wherein certain messages received within a packet-switched based communication node is discarded rather than being processed in order to save processor capacity and to avoid overloading the processor. For example, as further disclosed in the present application, when a SGSN or BSS is restarted, the node (SGSN or BSS) loses all information previously associated with its mobile subscribers. When the associated mobile stations (not knowing that the node has restarted and lost all its data) transmit subsequent messages to the node, the node is incapable of processing those received messages thereby causing the mobile station to repeatedly retransmit its messages. Such repeated transmissions will further increase the processor load and cause yet another restart or deadly cyclic restarts within the node. Accordingly, the present invention alleviates such processor-overloading problem by discarding certain messages received from mobile stations.

In accordance with the teachings of the present invention and as further claimed by independent Claims 1 and 6, when a message with an information element is

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received by the node within a packet-switched communication system, a determination is made as to whether the message is a first type or a second type. As claimed in independent Claim 6, the received message is determined to be the first type if the information element is already known to the node. In response to the determination that the determined message type is the first type (information element known to the node), the node processes the received message. On the other hand, if the received message is of the second type (information element unknown to the node), the node then determines the total frequency of the messages received by the node for that second type. In other words, the node determines the total number of times the node has received messages from mobile subscribers with unknown information element. If that total frequency (or number) does not exceed a threshold associated with that message type, the node handles the message in a normal way. However, in accordance with the teachings of the present invention, if the total frequency (or number) exceeds the threshold, in order to avoid overloading the processor any further, the node discards and not processes the received messages. The Applicant further submits that such information element includes a temporary logical link identity (TLLI) associated with a mobile station as further claimed in dependent Claim 7.

The Applicant respectfully submits that Maruyama fails to disclose or teach each and every element of presently pending independent Claims 1 and 6. The Maruyama invention merely discloses a message handling system for processing incoming messages for a particular user in accordance with that user's previously indicated intention. The user first defines or stores a plurality of "motive-procedure sets". When a message is later received by Maruyama's message system, it determines whether or not one of the motives is "fired." When a particular motive is fired, a particular message processing of a particular motive-procedure set corresponding to the particular motive is performed, so that an incoming call of the message is notified to the receiver or the message is transmitted or forwarded to the receiver according to the particular message processing (Maruyama, Abstract). Accordingly, Maruyama deals with enabling "a user not having a knowledge of computers" to use a highly functional message processing

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tool to specify and process different messages based on that user's specific intentions or instructions.

However, Murayama has nothing to do with alleviating or avoiding the processor over-load at a node within a packet-based communication system by discarding received messages from subscriber stations when the total number of such messages received from the subscriber stations has exceed a certain threshold level. Muryama further fails to disclose the steps of determining whether the received message contains "information element" that is known to the node by accessing a table therein and processing the received message without further determining the total frequency of such messages if the received information element is already known to the node.

As a result, the Applicant respectfully submits that Murayama fails to disclose or teach each and every element of the presently pending independent Claims 1 and 6, and that pending independent Claims are patentable over the cited reference.

### 3.) Claim Rejections – 35 U.S.C. 103 (a)

The Examiner rejected Claims 2-3 and 7 under 35 U.S.C. 103(a) as being unpatentable over Maruyama et. al. in view of Lupien et al. (U.S. Pat. No. 6,463,055). The Applicant respectfully submits that Lupien is disqualified as prior art against the claimed invention and cannot preclude the patentability of the presently claimed invention under 35 U.S.C 103(c) wherein it states that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." In that regard, the Applicant respectfully submits that the present invention and the Lupien invention are both owned by "Telefonaktiebolaget L M Ericsson (publ)"

The Applicant further submits that Ekman et al. (U.S. Pat. No. 5,960,355), Wilhelmsson et. al. (US. Pat. No. 6,898,425) as well as Helm et. al. (U.S. Pat.

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6,529,497) cited by the Examiner to reject other remaining dependent claims are likewise all owned by "Telefonaktiebolaget L M Ericsson (publ)" and are similarly disqualified as prior art against the claimed invention.

The Applicant therefore respectfully submits that independent Claims 1 and 6 and their respective dependent claims are patentable over the cited references. A Notice of Allowance is therefore earnestly requested.

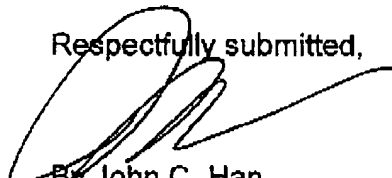
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### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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